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REMARKS/DISCUSSION OF ISSUES

In the Final Office Action, Examiner Kading rejected claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,790,534 to *Kokko* in view of U.S. Patent No. 5,428,647 to *Rasky* et al. The Applicant has thoroughly reconsidered Examiner Kading's remarks concerning the patentability of claims 1-10 over *Kokko* in view of *Rasky*. The Applicant has also thoroughly re-read *Kokko* and *Rasky*. To warrant this obviousness rejection of claims 1-10, all the claim limitations recited in claims 1-10 must be taught or suggested by the combination of *Kokko* and *Rasky*. See, MPEP §2131. The Applicant respectfully traverses this obviousness rejection of claims 1-10, because *Kokko* and *Rasky* in combination fail to disclose, teach or suggest the following limitations of independent claims 1, 9 and 10:

1. "in that a terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)" as recited in independent claim 1;
2. "in that the terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)" as recited in independent claim 9; and
3. "in that a signaling sequence is transmitted by a terminal (2 to 9) at a start time respectively predefined by the radio network controller (1) after an occupancy level of one or more buffers is exceeded" as recited in independent claim 10.

Additionally, *Kokko* teaches away from *Kokko* and *Rasky* in combination by teaching away from the following limitations of independent claims 1, 8 and 10:

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1. "in that the radio network controller (1) includes a device for correlating a signaling sequence sent by a terminal (2 to 9) and for detecting the pulse developed from a received and correlated signaling sequence" as recited in independent claim 1;
2. "in that the radio network controller (1) includes a device for correlating a signaling sequence transmitted by a terminal (2 to 9) and for detecting the peak evolved from a received and correlated signaling sequence" as recited in independent claim 8; and
3. "in that a signaling sequence transmitted and received by a terminal (2 to 9) is correlated in the radio network controller (1) and an ensuing peak is detected" as recited in independent claim 10.

Specifically, as illustrated in FIG. 1, *Kokko* teaches an N number of terminals 12 wherein each terminal 12 is designed to transmit a reservation request over an associated backward channel CCH-b to a base station 14 whenever the number of packets in an associated buffer exceeds a threshold value or when a packet has been stored in the associated buffer for a period that exceeds a predetermined time threshold. Each terminal 12 defines its reservation requests to inform base station 14 of its capacity needs for the transmission of its buffered data packet(s). See, *Kokko* at column 7, lines 20-42.

A careful review of *Kokko* reveals that *Kokko* fails to teach or suggest the transmission by a terminal 12 over the backward channel CCH-b of a reservation request at a start time predefined by base station 14 as required by the aforementioned limitations of independent claims 1, 9 and 10 of the present invention in view of the fact that the terminals of *Kokko* define the reservation requests and not base station 14 of *Kokko*. In fact, a base station 14 of *Kokko* could never be operated to predefine any of the reservation requests, because base station 14 would not have the information corresponding to the capacity needs for the transmissions of the buffered

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data packets of a terminal 12 prior to receiving an actual reservation request from a terminal 12.

Furthermore, modifying base station 14 of *Kokko* to correlate a reservation request and detecting a pulse/peak developed from a received and correlated reservation request as taught by *Rasky* has no operational utility for *Kokko*, because *Kokko* is premised on reading and analyzing the content of each reservation request from a terminal 12 to thereby manage the reservation requests from terminals 12 in view of a total capacity of a cell encompassing base station 14. See, *Kokko* at column 6, line 19 to column 8, line 7.

Withdrawal of the rejection of independent claims 1, 8, 9, and 10 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

Claims 2-7 depend from independent claim 1. Therefore, dependent claims 2-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-7 are allowable over *Kokko* in view of *Rasky* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Kokko* in view of *Rasky*. Withdrawal of the rejection of dependent claims 2-7 under 35 U.S.C. §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

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SUMMARY


Examiner Kading's obviousness rejection of claims 1-10 have been obviated by the remarks herein supporting an allowance of claims 1-10 over the art of record, particularly a combination of *Kokko* and *Rasky*. The Applicant respectfully submits that claims 1-10 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Kading is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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